

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FRITZ G. DEJOIE,	)	
	)	Civil Action No. 14 – 1147
Plaintiff,	)	
	)	District Judge Mark R. Hornak
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
LOUIS FOLINO, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**ORDER**

AND NOW, this 7<sup>th</sup> day of July, 2015, after the Plaintiff, Fritz G. DeJoie, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until June 25, 2015, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that for the reasons set forth in that Report and Recommendation, the Defendants' Motion to Dismiss is granted as to the Plaintiff's claim against Folino, Winfield and Palya; denied as to Plaintiff's claim against Welda and Tennant; and denied as moot as to the request to dismiss any Fourteenth Amendment claim.

IT IS FURTHER ORDERED that for the reasons set forth in that Report and Recommendation, the Plaintiff is allowed to amend his Complaint to attempt to state a claim against Defendants Folino, Winfield and Palya, if he so desires. If the Plaintiff does not file an

amended complaint within fourteen (14) days of the date of this Order then this action shall proceed with the original Complaint that was docketed on September 16, 2014.

AND IT IS FURTHER ORDERED that this action is referred back to the Magistrate Judge for all further pretrial proceedings.

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

MARK R. HORNAK  
United States District Judge

cc: All Counsel of record Via CM-ECF